

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANSEL P. STREET,)
Petitioner,)
v.) 1:12CV807
COUNTY OF MONTGOMERY,)
Respondent.)

ORDER

On August 2, 2012, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2, 3.) Petitioner filed a document entitled "Motion to Amend" that the court construes as objections to the Magistrate Judge's Recommendation. (See Doc. 4.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's handwritten document (Doc. 1) is construed as a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody and that the petition is dismissed without prejudice to

Petitioner filing a new petition, correcting the defects set out in the Order and Recommendation. The new petition must be accompanied by either the five dollar filing fee or a current application to proceed in forma pauperis. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 26th day of October, 2012.

William L. Osten, Jr.
United States District Judge